

1 AN ACT concerning economic development.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The County Economic Development Project Area
5 Tax Increment Allocation Act of 1991 is amended by changing
6 Section 10 as follows:

7 (55 ILCS 90/10) (from Ch. 34, par. 8010)

8 Sec. 10. Definitions. In this Act, ~~7-words-or-terms--have~~
9 ~~the-following-meanings:~~

10 (a) "Economic development plan" means the written plan
11 of a county that sets forth an economic development program
12 for an economic development project area. Each economic
13 development plan shall include but not be limited to (i)
14 estimated economic development project costs, (ii) the
15 sources of funds to pay those costs, (iii) the nature and
16 term of any obligations to be issued by the county to pay
17 those costs, (iv) the most recent equalized assessed
18 valuation of the economic development project area, (v) an
19 estimate of the equalized assessed valuation of the economic
20 development project area after completion of an economic
21 development project, (vi) the estimated date of completion of
22 any economic development project proposed to be undertaken,
23 (vii) a general description of any proposed developer, user,
24 or tenant of any property to be located or improved within
25 the economic development project area, (viii) a description
26 of the type, structure, and general character of the
27 facilities to be developed or improved, (ix) a report, which
28 may be in preliminary form, of an independent engineer,
29 architect, or other professional indicating that any proposed
30 manufacturing, industrial, research, or similar facility
31 included in a proposed economic development project for a

1 proposed economic development project area uses proven
2 technology or uses innovative technology for which there is
3 reasonable evidence of technological feasibility, (x) a
4 description of the general land uses to apply in the economic
5 development project area, (xi) a description of the type,
6 class, and number of employees to be employed in the
7 operation of the facilities to be developed or improved, and
8 (xii) a commitment by the county to fair employment practices
9 and an affirmative action plan with respect to any economic
10 development program to be undertaken by the county.

11 (b) "Economic development project" means any development
12 project in furtherance of the objectives of this Act.

13 (c) "Economic development project area" means any
14 improved or vacant area that (i) is located in a county of
15 significant unemployment as defined in subsection (e) of this
16 Section, (ii) is contiguous, (iii) is not less in the
17 aggregate than 5000 acres, (iv) is suitable for siting by a
18 commercial, manufacturing, industrial, research, or
19 transportation enterprise or facilities to include but not be
20 limited to commercial businesses, offices, factories, mills,
21 processing plants, industrial or commercial distribution
22 centers, warehouses, repair overhaul or service facilities,
23 freight terminals, research facilities, test facilities, or
24 transportation facilities, regardless of whether the area has
25 been used at any time for those facilities and regardless of
26 whether the area has been used or is suitable for other uses,
27 including commercial agricultural purposes, and (v) has been
28 approved and certified by the corporate authorities of the
29 county pursuant to this Act.

30 (d) "Economic development project costs" means and
31 includes the total of all reasonable or necessary costs
32 incurred or to be incurred by a county or by a
33 nongovernmental person pursuant to an economic development
34 project, including, without limitation, the following:

1 (1) Costs of studies, surveys, development of plans
2 and specifications, and implementation and administration
3 of an economic development plan and personnel and
4 professional service costs for architectural,
5 engineering, legal, marketing, financial, planning,
6 police, fire, public works, or other services. No
7 charges for professional services, however, may be based
8 on a percentage of incremental tax revenues.

9 (2) Property assembly costs within an economic
10 development project area, including but not limited to
11 acquisition of land and other real or personal property
12 or rights or interests in property.

13 (3) Site preparation costs, including but not
14 limited to clearance of any area within an economic
15 development project area by demolition or removal of any
16 existing buildings, structures, fixtures, utilities, and
17 improvements and clearing and grading; and including
18 installation, repair, construction, reconstruction, or
19 relocation of public streets, public utilities, and other
20 public site improvements located outside the boundaries
21 of an economic development project area that are
22 essential to the preparation of the economic development
23 project area for use in accordance with an economic
24 development plan.

25 (4) Costs of renovation, rehabilitation,
26 reconstruction, relocation, repair, or remodeling of any
27 existing buildings, improvements, and fixtures within an
28 economic development project area.

29 (5) Costs of installation or construction within an
30 economic development project area of any buildings,
31 structures, works, streets, improvements, utilities, or
32 fixtures, whether publicly or privately owned or
33 operated.

34 (6) Financing costs, including but not limited to

1 all necessary and incidental expenses related to the
2 issuance of obligations, payment of any interest on any
3 obligations issued under this Act that accrues during the
4 estimated period of construction of any economic
5 development project for which the obligations are issued
6 and for not more than 36 months after that period, and
7 any reasonable reserves related to the issuance of the
8 obligations.

9 (7) All or a portion of a taxing district's capital
10 costs resulting from an economic development project
11 necessarily incurred or estimated to be incurred by a
12 taxing district in the furtherance of the objectives of
13 an economic development project, to the extent that the
14 county by written agreement accepts and approves those
15 costs.

16 (8) Relocation costs to the extent that a county
17 determines that relocation costs shall be paid or is
18 required to pay relocation costs by federal or State law.

19 (9) The estimated tax revenues from real property
20 in an economic development project area acquired by a
21 county that, according to the economic development plan,
22 is to be used for a private use (i) that any taxing
23 district would have received had the county not adopted
24 tax increment allocation financing for an economic
25 development project area and (ii) that would result from
26 the taxing district's levies made after the time of the
27 adoption by the county of tax increment allocation
28 financing to the time the current equalized assessed
29 value of real property in the economic development
30 project area exceeds the total initial equalized value of
31 real property.

32 (10) Costs of rebating ad valorem taxes paid by any
33 developer or other nongovernmental person in whose name
34 the general taxes were paid for the last preceding year

1 on any lot, block, tract, or parcel of land in the
2 economic development project area, provided that:

3 (A) the economic development project area is
4 located in an enterprise zone created under the
5 Illinois Enterprise Zone Act;

6 (B) the ad valorem taxes shall be rebated only
7 in amounts and for a tax year or years as the county
8 and any one or more affected taxing districts have
9 agreed by prior written agreement;

10 (C) any amount of rebate of taxes shall not
11 exceed the portion, if any, of taxes levied by the
12 county or taxing district or districts that is
13 attributable to the increase in the current
14 equalized assessed valuation of each taxable lot,
15 block, tract, or parcel of real property in the
16 economic development project area over and above the
17 initial equalized assessed value of each property
18 existing at the time property tax allocation
19 financing was adopted for the economic development
20 project area; and

21 (D) costs of rebating ad valorem taxes shall
22 be paid by a county solely from the special tax
23 allocation fund established under this Act and shall
24 not be paid from the proceeds of any obligations
25 issued by a county.

26 (11) Costs of job training or advanced vocational
27 or career education, including but not limited to courses
28 in occupational, semi-technical, or technical fields
29 leading directly to employment, incurred by one or more
30 taxing districts, but only if the costs are related to
31 the establishment and maintenance of additional job
32 training, advanced vocational education, or career
33 education programs for persons employed or to be employed
34 by employers located in the economic development project

1 area and only if, when the costs are incurred by a taxing
2 district or taxing districts other than the county, they
3 shall be set forth in a written agreement by or among the
4 county and the taxing district or taxing districts that
5 describes the program to be undertaken, including without
6 limitation the number of employees to be trained, a
7 description of the training and services to be provided,
8 the number and type of positions available or to be
9 available, itemized costs of the program and sources of
10 funds to pay the costs, and the term of the agreement.
11 These costs include, specifically, the payment by
12 community college districts of costs pursuant to Sections
13 3-37, 3-38, 3-40 and 3-40.1 of the Public Community
14 College Act and by school districts of costs pursuant to
15 Sections 10-22.20 and 10-23.3a of the School Code.

16 (12) Private financing costs incurred by a
17 developer or other nongovernmental person in connection
18 with an economic development project, provided that:

19 (A) private financing costs shall be paid or
20 reimbursed by a county only pursuant to the prior
21 official action of the county evidencing an intent
22 to pay or reimburse such private financing costs;

23 (B) except as provided in subparagraph (D),
24 the aggregate amount of the costs paid or reimbursed
25 by a county in any one year shall not exceed 30% of
26 the costs paid or incurred by the developer or other
27 nongovernmental person in that year;

28 (C) private financing costs shall be paid or
29 reimbursed by a county solely from the special tax
30 allocation fund established under this Act and shall
31 not be paid from the proceeds of any obligations
32 issued by a county; and

33 (D) if there are not sufficient funds
34 available in the special tax allocation fund in any

1 year to make the payment or reimbursement in full,
2 any amount of the interest costs remaining to be
3 paid or reimbursed by a county shall accrue and be
4 payable when funds are available in the special tax
5 allocation fund to make the payment.

6 (e) "A county with significant unemployment" means a
7 county in which the average annual unemployment rate for the
8 previous calendar year equaled or exceeded 12%. For purposes
9 of this subsection, the unemployment rate of a county shall
10 be the rate as certified by the Illinois Department of
11 Employment Security.

12 (f) "Obligations" means any instrument evidencing the
13 obligation of a county to pay money, including without
14 limitation bonds, notes, installment or financing contracts,
15 certificates, tax anticipation warrants or notes, vouchers,
16 and any other evidence of indebtedness.

17 (g) "Taxing districts" means counties, townships, and
18 school, road, park, sanitary, mosquito abatement, forest
19 preserve, public health, fire protection, river conservancy,
20 tuberculosis sanitarium, and any other districts or other
21 municipal corporations with the power to levy taxes.

22 (Source: P.A. 87-1.)